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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/825,859

**Applicant(s)**

MORRIS ET AL.

**Examiner**

GIGI DUBASKY

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CI/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 and 28-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Broadus (US 2002/0144264).

Regarding claim 1, Broadus discloses a user interface (UI) for output by a client and for display by a display device (paragraph [0019] and paragraph [0041] lines 9-11), the UI comprising:

a plurality of representations of content items (see Figure 5 and paragraph [0062] for a EPG screen displays a plurality of media programs), wherein:

each said representation is selectable by a user to navigate to a corresponding said content item (paragraph [0057]); and

each said content item has a duration when streamed for output by the client (see Figure 5-6 for each of element 506 aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and

at least one pictorial representation that corresponds to a respective said content item (paragraph [0058] for displaying an indication of complete status as a numerical

percentage, a ratio bar graph, a pie chart...); and indicates a time remaining in the duration of the respective said content item (see element 509 in Figures 5-6 and paragraph [0064] lines 1-7).

Regarding claim 2, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses one or more said content items are stored in a storage device on the client (paragraph [0042] and [0047]).

Regarding claim 3, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses one or more said content items are streamed from a head end (paragraph [0046], paragraph [0047] lines 1-3 and paragraph [0048] lines 1-3).

Regarding claim 4, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses one said content item is stored in a stored device on the client (paragraph [0042] and [0047] for STB stores media programs automatically based on user's habit or based on user's request); another said content item is streamed from a head end to the client (paragraph [0047] and [0048] lines 1-3).

Regarding claim 5, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses the pictorial representation is displayable as a segment indicating the duration (see Figure 5-6 for each of element 506 (pictorial representation) aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and the segment has a portion indicating an elapsed time and a portion indicating a time remaining in the output of the content (paragraph [0064]).

Regarding claim 6, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses each said representation includes one or more frames of the respective said content item (element 506 in Figures 5-6 represents media programs (paragraph [0062] lines 7-9). So, element 506 can be interpreted as a frame including title of corresponding media program); and the pictorial representation is for display over the one or more frames (see element 514 in Figures 5-6 and paragraph [0076] lines 1-2 for visual indication 514 is superimposed over element 506).

Regarding claim 7, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses the pictorial representation is for display adjacent to the corresponding said representation (see element 508 in Figure 5 and

paragraph [0063]-[0064] for the completion status line 508 (interpreted as "pictorial representation") bisects element 506 representing a media program into an elapsed portion and a remaining portion. Therefore, element 508 is adjacent to element 506).

Regarding claim 8, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses one or more said content items is a television program (paragraph [0062]).

Regarding claim 9, Broadus discloses the user interface as discussed in the rejection of claim 1. Broadus further discloses a set-top box ("STB 102" of Figures 1-4) comprising an EPG application having computer-executable instructions that, when executed, output the UI (paragraph [0040]-[0044]).

Regarding claim 10, Broadus discloses one computer-readable media comprising computer-executable instructions (paragraph [0026] lines 5-8) that, when executed on a computer, direct the computer to generate an EPG for output that describes a plurality of content items (paragraph [0054]), wherein: the EPG includes a representation for each said content item (see Figures 5-7 for examples of a EPG screen); and at least one said representation has a corresponding pictorial representation that indicates elapsed time and time remaining in a stream, when output, of a respective said content item relative to a duration of the stream (see Figure 5 for element 508

bisects element 506 into an elapsed portion 507 and a remaining portion 509; or see element 514 in Figure 6 which indicates an elapsed portion 507 and a remaining portion 509).

Regarding claim 11, all limitations of claim 11 are analyzed corresponding to claim 5. So, claim 11 is rejected on the same ground as claim 5.

Regarding claim 12, Broadus discloses the computer-readable media as discussed in the rejection of claim 10. Broadus further discloses the representation is selectable by a user to navigate to a corresponding said content item (paragraph [0057]).

Regarding claim 13, all limitations of claim 13 are analyzed corresponding to claim 6. So, claim 13 is rejected on the same ground as claim 6.

Regarding claim 14, all limitations of claim 14 are analyzed corresponding to claim 7. So, claim 14 is rejected on the same ground as claim 7.

Regarding claim 15, all limitations of claim 15 are analyzed corresponding to claim 8. So, claim 15 is rejected on the same ground as claim 8.

Regarding claims 16-17, all limitations of claims 16-17 are analyzed corresponding to the all functionalities of computer-readable media of claim 10. So, claims 16-17 are rejected under the same rationale as claim 10.

Regarding claims 18-19, all limitations of claims 18-19 are analyzed corresponding to the all functionalities of computer-readable media of claim 11. So, claims 18-19 are rejected under the same rationale as claim 11.

Regarding claim 20, all limitations of claim 20 are analyzed corresponding to the all functionalities of computer-readable media of claim 12. So, claim 20 is rejected under the same rationale as claim 12.

Regarding claim 21, all limitations of claim 21 are analyzed corresponding to the all functionalities of computer-readable media of claim 13. So, claim 21 is rejected under the same rationale as claim 13.

Regarding claim 22, all limitations of claim 22 are analyzed corresponding to the all functionalities of computer-readable media of claim 14. So, claim 22 is rejected under the same rationale as claim 14.



Regarding claim 23, all limitations of claim 23 are analyzed corresponding to the all functionalities of computer-readable media of claim 15. So, claim 23 is rejected under the same rationale as claim 15.

Regarding claim 24, Broadus discloses the computer-readable media as discussed in the rejection of claim 16. Broadus further discloses EPG is further configured to display one or more characteristics of the plurality of content items selected from the group consisting of: a title; a story line; a textual description; a critic's opinion; a review; a duration; a start time; a stop time; an elapsed time in the output of the content; a time remaining in the output of the content; a rating; and any combination thereof (see Figures 5-7).

Regarding claim 25, Broadus discloses the computer-readable media as discussed in the rejection of claim 16. Broadus further discloses determining a start time and a duration of the streaming from the EPG data (paragraph [0061] lines 1-5); querying a timer (see element 416 in Figure 4) to determine a current time (paragraph [0060]); and configuring the pictorial representation based on the start time, the duration, and the current time (paragraph [0061]).

Regarding claim 26, Broadus discloses the computer-readable media as discussed in the rejection of claim 16. Broadus further discloses the content is received at a client from the head end (paragraph [0027] lines 1-4); and the pictorial representation indicates the current progress state in recordation of the plurality of content at the client (paragraph [0058]-[0061] for the complete status component 414 of STB 102 in Figure 4 generates a complete status indication and adds it to EPG 408 for one or more media programs).

Regarding claim 28, Broadus discloses the computer-readable media as discussed in the rejection of claim 16. Broadus further discloses the generating is performed by a client (paragraph [0054] for generating the EPG by the STB).

Regarding claim 29, Broadus discloses the computer-readable media as discussed in the rejection of claim 16. Broadus further discloses a computer-readable media comprising computer-executable instructions (paragraph [0026] lines 5-8).

Regarding claim 30, Broadus discloses a method comprising: receiving a plurality of content items (paragraph [0048] lines 1-3) described in an electronic program guide (EPG) (see Figures 5-7) and available for streaming from a head end to a client (paragraph [0027] lines 1-5 and paragraph [0030]); and generating a pictorial representation quantifying a current progress available for streaming of at least one said content item from the head end (paragraph [0058]-[0061]

for the complete status component 414 of STB 102 in Figure 4 generates a complete status indication and adds it to EPG 408 for one or more media programs).

Regarding claim 31, Broadus discloses the method as discussed in the rejection of claim 30. Broadus further discloses the pictorial representation quantifies how much of the at least one said content item has and has not been streamed from the head end (paragraph [0064]).

Regarding claim 32, Broadus discloses the method as discussed in the rejection of claim 30. Broadus further discloses at least one said content item is a TV program for playback at the client (paragraph [0062]); and the pictorial representation quantifies a time remaining for display of the TV program (see element 509 in Figures 5-6 and paragraph [0064] lines 1-7).

Regarding claim 33, Broadus discloses the method as discussed in the rejection of claim 30. Broadus further discloses a computer-readable media comprising computer-executable instructions (paragraph [0026] lines 5-8).

Regarding claim 34, Broadus discloses a client comprising:  
an input interface (element 302 in Figure 3) for receiving one or more of a plurality of content items (paragraph [0038] lines 1-6);

an output interface (element 308 in Figure 3 performs the same functions as an output interface) for providing an output to a display device (paragraph [0041]); a processor (element 312 in Figure 3; and paragraph [0044]); and memory (elements 310 and 306 in Figure 3) configured to maintain an EPG for output at the output interface (paragraph [0043]), wherein the EPG includes at least one content-progress indicator that corresponds to a respective one of a plurality of content items (see elements 508 and 514 in Figures 5-6 as "content-progress indicator" that corresponds to a respective element 506 representing a plurality of media programs), wherein each said content item has a duration when streamed for output at the output interface (see Figure 5-6 for each of element 506 aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program); and is displayable as a pictorial representation (element 508 in Figure 5 or element 514 in Figure 6) indicating elapsed time and time remaining in the stream of the respective one said content item relative to duration of the stream of the respective one said content item (see Figure 5 for element 508 bisects element 506 into an elapsed portion 507 and a remaining portion 509; or see element 514 in Figure 6 which indicates an elapsed portion 507 and a remaining portion 509).

Regarding claim 35, Broadus discloses the client as discussed in the rejection of claim 34. Broadus further discloses the memory is further configured to maintain the content (paragraph [0043]).

Regarding claim 36, Broadus discloses the client as discussed in the rejection of claim 34. Broadus further discloses the content item is broadcast (paragraph [0025] and paragraph [0028] lines 4-9); and the input interface is a tuner for receiving the broadcast content item over the network (paragraph [0038] lines 1-6) and the EPG from a carousel file system (paragraph [0052] lines 1-3 for media program schedule information 404 is retrieved from the database 120 at periodic interval).

Regarding claim 37, Broadus discloses the client as discussed in the rejection of claim 34. Broadus further discloses the network is an Internet (see "Internet 112" in Figure 1 and paragraph [0031]).

Regarding claim 38, Broadus discloses the client as discussed in the rejection of claim 34. Broadus further discloses the pictorial representation is displayable as a segment representing the duration (see Figure 5-6 for each of element 506 (pictorial representation) aligns with the time axis 502 of EPG is proportional in length to the running time (a duration) of corresponding program), the segment having a portion indicating the elapsed time and a portion indicating the time remaining (paragraph [0064]).

Regarding claim 39, all limitations of claim 39 are analyzed corresponding to claim 30. So, claim 39 is rejected on the same ground as claim 30.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broadus (US 2002/0144264) in view of Grooters (US 6684399).

Regarding claim 27, Broadus discloses all limitations of the method as discussed in the rejection of claim 16.

However, Broadus does not explicitly disclose the generating of EPG is performed at the head-end communicating the EPG from the head-end to a client.

Grooters discloses the generating of EPG is performed at the head-end communicating the EPG from the head-end to a client (see flow chart of Figure 3).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Broadus with the generating the EPG at head-end and transmitting to the client as taught by Grooters, so to provide an alternative way of generation of the EPG in order to increase the storage capacity in STB by not storing the EPG itself.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI DUBASKY whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W. MILLER/  
Supervisory Patent Examiner, Art Unit 2421

GD